



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,382	01/04/2002	Joseph Claude Caci	12078-129	6806
26486	7590	06/07/2006	EXAMINER	
PERKINS, SMITH & COHEN LLP ONE BEACON STREET 30TH FLOOR BOSTON, MA 02108			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/037,382

Applicant(s)

CACI ET AL.

Examiner

Michael J. Kyle

Art Unit

3677

-- The MAILING DATE f this c mmunication appears n the cover sheet with the c rrespondence address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) 26,27 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19,21-25,28,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/10/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 9, 11, 13, 15, 16, 18, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz et al ("Treyz", U.S. Patent No. 6,587,835).

3. Petrovich discloses a portable 2-way secure purchasing aid logistics appliance (40), comprising means for inputting information (column 4, lines 55-61), and a central processor coupled to said means for inputting information to generate a shopping list (column 5, line 37). Petrovich also discloses a secure memory coupled to said central processor to safeguard personal and financial information (column 5, lines 19-22 and 55-61), means for outputting said shopping list (column 12, lines 49-57), and said personal and said financial information, and a display (72) to view said shopping list. Petrovich fails to disclose the central processor to include application software to maintain a budget, to perform finance computations, and to track financial accounts.

4. Treyz teaches a handheld computing device to provide shopping assistance, where the device includes software to maintain a budget ("limit", column 46, lines 42-61, figure 75) and performs finance computations. Finance calculations include keeping a total of objects to purchase, or that have been purchased. Treyz also teaches the device to track financial accounts, when a user uses the device to pay for a purchase (column 17, lines 60-65). These features aid shoppers in keeping track of their expenditures and to restrict spending. Additionally, the

Art Unit: 3677

financial transaction mechanism of Treyz allows for a user to make quicker payments without carrying any additional payment devices. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that Petrovich implements software to maintain a budget, perform finance computations, and track financial accounts, so that a user can monitor and restrict spending, and make payments without any additional payment devices.

5. With respect to claim 2, Petrovich discloses a plurality of antennas (52, 54) that enable non-interfering and secure communications between the appliance (40) and the merchant's computer. Petrovich's appliance (40) can receive signals based on the location of the appliance with respect to the antennas (column 6, line 54, to column 7, line 7). The merchant computer transmits product information to the appliance (40, column 6, lines 63-65). Petrovich does not explicitly disclose these means for inputting information to be accomplished with a radio receiver.

6. Treyz teaches a handheld shopping appliance (12) that includes a plurality of antennas (column 15, lines 25-35) capable of enabling non-interfering and secure communications between the appliance and a merchant computer for a plurality of simultaneous signals. Treyz discusses communications by wireless radio frequency (RF) in column 13, line 16-21, and also refers to RF communications in column 15, lines 33-35. The means for inputting information is a radio receiver (inherent in radio communications) that is capable of receiving signals based on the location of the radio receiver with respect to the plurality of antennas (column 3, lines 31-36), from radio transmitter coupled to the merchant computer, through the plurality of antennas. The merchant computer transmits product information in response to a signal by the appliance for

Art Unit: 3677

product information (column 28, lines 18-29). Treyz uses this arrangement as a convenience to the user the appliance to quickly provide product information and special offers and products, depending on the user's location. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz in order to provide product information at the user's request, and inform the user of special offers, depending on their location.

7. With respect to claim 3, Petrovich fails to disclose the means for inputting to be an internet port. Treyz teaches a handheld computing device to assist shoppers, with a means for inputting information, where the means include an internet port that connects to a personal computer (28) linked to a web site (column 28, lines 57-59), where the product information is downloaded from the web site in response to a signal from the personal computer. The computer (28) can communicate with the handheld device (12, column lines 30-32). An internet port is inherent in this arrangement since there is a communication over the internet. Inputting information via an internet port allows the user to input information into the portable device while at home, and does not require the user to have any extra bar codes or codes present in order to enter an item to a list. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that means for inputting information includes an internet port, so the user may add items to a list while at home, without having any other product information available, such as a bar code.

8. With respect to claim 4, Petrovich discloses the means for inputting information is a bar code scanner, whereby said bar code scanner (column 4, line 57) scans print media bar codes

Art Unit: 3677

having product information and generates bar code signals to said central processor for further processing.

9. With respect to claim 8, Petrovich discloses inputting information with a keyboard (column 7, lines 25-27). While the examiner asserts that a keyboard qualifies as a keypad, Treyz is relied upon to further show the equivalence of keyboards and keypads within the art. In column 15, approx. line 18, Treyz discloses that either a keyboard or keypad may be used as an I/O device, thereby establishing these two I/O devices as being equivalent within the art. It would have been obvious to one having ordinary skill in the art to use either keyboard or keypad to enter product, personal, and financial information into a portable appliance.

10. With respect to claim 9, Petrovich et al discloses inputting credit or debit card information with a magnetic strip reader (column 5, line 61).

11. With respect to claim 11, Petrovich discloses the central processor transmits a first signal to said means for outputting, whereby said means for outputting transmits said first signal to a merchant computer (56 linked to 16).

12. With respect to claim 13, Petrovich discloses a shopping list being output to a merchant computer first (column 12, lines 53-56). Because the shopping list is the only item transmitted to the merchant computer, it is the first.

13. With respect to claim 15, Petrovich et al discloses the means for outputting includes a radio transmitter (radiophone).

14. With respect to claim 16, Petrovich fails to disclose the means for outputting to control signal strength to minimize the possibility of transmission interception. However, Treyz teaches a handheld shopping device that communicates with an external information source terminal by

Art Unit: 3677

wireless radio frequency communications. The radio frequency is controlled from about 900 MHz to 2.4GHz, or other ultra high frequencies (column 13, lines 16-21). Examiner notes that Treyz discloses the claimed structure, and for this reason is capable of performing the claimed function. Specifically, Treyz discloses purchase transaction may be done by a wireless transactions (column 1, line 61), and continues to describe that radio frequency communication as one type of wireless communication, therefore, this type of communication is considered suitable for a wireless transaction. Because Treyz's signal strength is controlled, it is capable of minimizing the possibility of transmission interception. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz in order to minimize the possibility of transmission interception.

15. With respect to claim 18, Petrovich discloses a method for using a purchasing aid logistics appliance (40) comprising downloading product data from a bar coded advertisement, creating a shopping list from said product data, uploading said shopping list to a merchant computer upon entry into a merchant facility (24 linked to 16), receiving product data from said merchant computer upon entry into said merchant facility (column 7, lines 18-27), scanning a product bar code when a product is removed from the shelf and placed in a shopping cart for purchase (column 12, lines 35-36), creating a shopping cart file when said product is scanned (column 12, lines 36-40), and transmitting said shopping cart file to said merchant computer to checkout (column 12, lines 49-57). The hard copy of the shopping list described in column 7, lines 18-27, inherently includes product data, as a way to identify the product. Petrovich fails to show the product data to be downloaded from a web site, nor does Petrovich discuss monitoring beacon channels.

Art Unit: 3677

16. Treyz teaches a handheld computing device to assist shoppers, with a means for inputting information, where the information is input by downloading data from a web site (column 28, lines 57-59). The computer (28) can communicate with the handheld device (12, column lines 30-32). Inputting information via an internet port allows the user to input information into the portable device while at home, and does not require the user to have any extra bar codes or codes present in order to enter an item to a list. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that means for inputting information includes an internet port, so the user may add items to a list while at home, without having any other product information available, such as a bar code.

17. Treyz also teaches the device to include wireless communications capabilities through RF communications (column 13, line 16). The device can communicate with a number of objects, including a register or kiosk. For this communication to occur, a first wireless channel must be present. Also, inherent in this communication is the step of monitoring for a beacon signal. The device is capable of communication with multiple sources, and must be able to detect the source. In RF communications, a source is recognized through its beacon. Thus, for the device of Treyz to communicate via RF with other objects, the device must monitor beacon channels to detect the objects. The RF communication link may be used to upload or receive shopping list data (column 14, lines 12-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich, such that the device monitors beacons channels and wirelessly uploads and receives data over a first channel, as taught by Treyz, in order to conveniently provide updated shopping list information to the user.

Art Unit: 3677

18. With respect to claims 22 and 23, Petrovich discloses a method of using a portable appliance (40) that includes accessing a bar coded advertisement, downloading product data from a bar coded advertisement (column 4, lines 56-58), creating a shopping list from the product data (column 2, lines 18-34), transmitting the shopping list to a merchant upon entry into a merchant facility (column 2, lines 18-34), receiving updated product data from the merchant computer upon entry into the merchant facility (column 10, lines 25-29, user receives the location of products on the list), scanning a product bar code when a product is removed from the shelf and placed in a shopping cart (column 10, lines 9-12), creating a shopping cart file when the product is scanned (column 12, lines 36-39, examiner considers the checked off items to constitute a file) and transmitting the shopping cart file to the merchant computer in order to checkout (column 12, lines 55-56). Petrovich does not disclose monitoring beacon channels.

19. Treyz teaches the device to include wireless communications capabilities through RF communications (column 13, line 16). The device can communicate with a number of objects, including a register or kiosk. For this communication to occur, a first wireless channel must be present. Also, inherent in this communication is the step of monitoring for a beacon signal. The device is capable of communication with multiple sources, and must be able to detect the source. In RF communications, a source is recognized through its beacon. Thus, for the device of Treyz to communicate via RF with other objects, the device must monitor beacon channels to detect the objects. The RF communication link may be used to upload or receive shopping list data (column 14, lines 12-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich, such that the device monitors beacons channels

Art Unit: 3677

and wirelessly uploads and receives data over a first channel, as taught by Treyz, in order to conveniently provide updated shopping list information to the user.

20. With respect to claim 23, Petrovich discloses identifying product data with a merchant according to the bar coded advertisement (column 11, lines 33-40). Examiner notes that different products are associated with different merchants. This is done by the appliance.

21. With respect to claim 24, Petrovich discloses downloading at least one price associated with the product data and verifying the validity of the prices (column 11, lines 5-9, and lines 19-21). The “updating” described by Petrovich requires downloading. Petrovich fails to disclose synchronizing appliance financial transaction logs with financial institution transaction logs.

22. Treyz teaches a handheld shopping assistance device, where a user may select items for purchase, and perform the purchase by a wireless financial transaction (Abstract). When a product is purchased, the financial information relating to products being purchased is synchronized with a financial institution log, so that the correct amount is charged to financial account. Examiner considers the running total of products purchased, when a user is at check out of a store, to be the appliance financial transaction log. This step is inherent in any wireless transaction that charges a user’s financial account. It would have been obvious to one having ordinary skill in art at the time of the invention to modify Petrovich as taught by Treyz, so that Petrovich synchronizes appliance transaction logs with financial institution transaction logs, so that a user’s financial account is charged the correct amount.

23. With respect to claim 25, Petrovich discloses a secure trusted monitor program capable of managing the execution of software in the appliance, and a secure boot program capable of booting the appliance and initiating the secure trusted monitor program. Examiner asserts these

Art Unit: 3677

features are inherent in Petrovich. Petrovich discloses an appliance that performs functions.

Software is necessary to perform the functions described by Petrovich. This software must be executed for the appliance to function. Examiner asserts the element responsible for executing the software is the secure trusted monitor program. Additionally, the appliance can be turned on off. When it is turned on, it boots up. The software is then executed. Examiner asserts that a secure boot program must be present for the appliance to boot up, and for the secure trusted monitor program to be initiated.

24. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz as applied to claim 4 above, and further in view of Ruppert et al ("Ruppert", U.S. Patent No. 5,424,524). While Treyz discloses the central processor to track the available funds remaining in the budget (to maintain the "limit" designated by the user) and the total cost of products scanned (necessary to maintain "limit"), the combination of Petrovich and Treyz fails to disclose the central processor to compare the shopping list to bar code signals as claimed.

25. Ruppert teaches a personal scanner for displaying shopping lists and aiding shoppers comprising an appliance with a the central processor, where the central processor compares a shopping list to said bar code signals to determine whether product is a new product to add to said shopping list or an existing product (column 10, lines 1-18), whereby said central processor tracks the total cost of products scanned and the remaining products to be scanned. It would have been obvious to include this feature in the combination of Petrovich and Treyz so that the user closely follows their shopping list, and prevents the unintentional additions of items to the list or shopping cart.

26. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz as applied to claim 1 above, and further in view of WO 01/20526 (WO '526). Neither Petravich nor Treyz discloses the first signal to comprise a credit or debit card number and personal identification number.

27. WO '526 teaches a method of electronic payment where either credit card or debit card numbers (page 16, lines 19-20) and a PIN number ("customer identification number") are transmitted to a merchant computer. Examiner considers this to be the first signal transmitted, as WO '526 does not discuss any other signal being transmitted to the merchant computer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combination of Petrovich and Treyz as taught by WO '526, such that either a credit card number or debit card number, along with a PIN number is the first signal transmitted to a merchant computer, as a means of tendering payment. Transmitting the credit card or debit card information would also guarantee payment for the items on the shopping list, before the shopping list is sent to the merchant computer.

28. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz as applied to claim 4 above, and further in view of Shaw (U.S. Patent No. 6,568,596). Neither Petravich nor Treyz disclose the central processor to include software that converts the bar code signals into a web page to be displayed on the display.

29. Shaw teaches a method where a bar code is converted into a web page (column 3, line 51 to column 4, line 6) and displayed. This method allows information to be published in near real

time, as the scanned information is already in a markup language. This also eliminates discrete stages of data collection and data manipulation before publication (column 1, lines 9-13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petravich and Treyz as taught by Shaw such that central processor includes software to convert bar codes into a web page. This allows for quicker publication of a scanned item.

30. Shaw further discloses a bar code capable of representing a display in one of a plurality of computer languages. Examiner notes that the newly added limitation of “a bar code” to this claim is not an aspect of the purchasing aid logistics appliance to which the claim is directed. As such, examiner considers any bar code to be capable of representing a display as claimed. Shaw further discloses a decoder having at least one decode table, the decoder capable of interpreting, according to the at least one decode table, a bar code and providing parsing information from the bar code. Shaw further discloses a parser capable of creating display executable code to build the display from the parsing information, and a display browser, capable of creating a web page from the display executable code. It is noted that Shaw discloses the use of XML, but further states that, “any other suitable markup language may also be used” (column 2, line 14).

Examiner considers this to disclose a plurality of computer languages. A decoder, and a parser having a modifying table are inherent in Shaw’s invention, as they must be present to decode the markup language and construct frame software. A display browser is also inherent in Shaw. The bar code containing the computer languages can be converted into a web page.

31. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz as applied to claim 1 above, and further in view of Kawan (U.S.

Art Unit: 3677

Patent No. 6,012,049). With respect to claims 10 and 17, Petrovich discloses a smart card reader (column 7, line 26), but neither Petrovich nor Treyz disclose encryption circuitry, and a smart card storing a user personal identification number.

32. Kawan teaches a system that interfaces with a smart card (abstract, column 5, lines 43-55) with a smart card reader. The smart card provides secures account information of a user, and includes encryption circuitry (column 5, lines 44-45). By using a smart card, the user data is secured access to personal information is limited. A central processor further includes executable software to compare smart card information and personal identification number to data stored data (column 5, lines 48-56). This system prevent unauthorized use of the smart card and unauthorized access to a financial account, by preventing a financial transaction from occurring if the smart card data is not validated (column 5, lines 53-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Petrovich and Treyz as taught by Kawan in order to prevent unauthorized access to personal information and account information.

33. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of WO '526 and Ruppert. Petrovich discloses a purchasing aid logistics appliance (40), with a secure memory (column 5, lines 55-61), means for creating a shopping list outside a merchant facility (32, 16), means for storing said shopping list and user personal information (16, 40), means for automatically uploading said shopping list to a merchant computer upon entry into said merchant facility (24) and means for two-way data and voice communication (column 12, lines 9-27) with said merchant computer. Petrovich also discloses means for displaying said

Art Unit: 3677

shopping list (72), and means for optically inputting product information data (bar code reader).

The means for storing is secure. Petrovich does not disclose means for electronic payment or means for calculating the total price of the items, as claimed.

34. WO '526 teaches a shopping list organizer comprising a portable device (112). The portable device includes means for making an electronic payment (page 16, lines 8-31).

Electronic payments allow for payments to be made more quickly, and do not require the user to carry any additional method of payment. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by WO '526, in order to make quicker payments, and allow the user to make payments without carrying any additional payment devices.

35. Ruppert teaches a personal scanner device to aid shoppers, where the scanner device includes means for calculating the total price of the items (Abstract). These functions are presented in the abstract of Ruppert. These features aid shoppers in keeping track of their expenditures (Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Ruppert, such that the central processor of Petrovich's appliance maintains a budget and performs finance computations, in order to aid shopper in keeping track of their expenditures.

36. Claims 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Kawan. Treyz discloses a purchasing aid logistic appliance comprising means for inputting information and a central processor coupled to the means for inputting information to generate a shopping list (column 25, lines 23-36). Treyz also discloses the processor to include

Art Unit: 3677

application software to maintain a budget (“limit”, column 46, lines 42-61, figure 75) and perform finance computations. Finance calculations include keeping a total of objects to purchase, or that have been purchased. Treyz further discloses means for outputting the shopping list and personal and financial information. Examiner asserts that for Treyz to perform a wireless transaction, the shopping list must be output to a merchant register or computer so the user may check out, and be charged by the merchant. Personal and financial information is also output (column 17, line 60, to column 18, line 58). Treyz also discloses a display to view the shopping list. Treyz discusses using a smart card to authorize a purchase, but does not explicitly disclose a encrypting memory coupled to the processor, to safeguard personal and financial information.

37. Kawan teaches a system that interfaces with a smart card (abstract, column 5, lines 43-55) with a smart card reader. The smart card provides secures account information of a user, and includes encryption circuitry (column 5, lines 44-45). By using a smart card and encryption circuitry the user’s personal and financial information is safeguarded. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Treyz as taught by Kawan, such that memory of Treyz is encrypted, thereby safeguarding the user’s personal and financial information.

38. With respect to claim 28, examiner notes that the encryption of Kawan meets the limitation of “modifying memory coupled to said processor”. All other limitations are met by Treyz, as discussed in the rejection of claim 21.

Art Unit: 3677

39. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz and Klughart (U.S. Patent No. 5,025,486). Petrovich discloses a portable 2-way secure purchasing aid logistics appliance (40), comprising means for inputting information (column 4, lines 55-61) including personal, shopping, and financial data, and a central processor coupled to said means for inputting information to generate a shopping list (column 5, line 37). It is noted that the terms “personal”, “shopping” and “financial” are all intended use recitations of types of information to be input. Petrovich also discloses a secure memory coupled to said central processor to safeguard personal and financial information (column 5, lines 19-22 and 55-61), means for outputting said shopping list (column 12, lines 49-57), and said personal and said financial information, and a display (72) to view said shopping list. Petrovich fails to disclose the central processor to include application software to maintain a budget, to perform finance computations, and to track financial accounts, and the combination of secure memory and access control.

40. Treyz teaches a handheld computing device to provide shopping assistance, where the device includes software to maintain a budget (“limit”, column 46, lines 42-61, figure 75) and performs finance computations. Finance calculations include keeping a total of objects to purchase, or that have been purchased. Treyz also teaches the device to track financial accounts, when a user uses the device to pay for a purchase (column 17, lines 60-65). These features aid shoppers in keeping track of their expenditures and to restrict spending. Additionally, the financial transaction mechanism of Treyz allows for a user to make quicker payments without carrying any additional payment devices. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that

Art Unit: 3677

Petrovich implements software to maintain a budget, perform finance computations, and track financial accounts, so that a user can monitor and restrict spending, and make payments without any additional payment devices.

41. Klughart teaches a wireless communication system with means for performing access control to grant or deny access to a secure memory (column 8, lines 15-18) in order to relieve problems with data security and integrity (column 7, lines 60-62). It would have been obvious to implement such a system into Petrovich to protect and secure Petrovich's wireless transactions.

42. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Treyz as applied to claim 1 above, and further in view of Ginter et al ("Ginter", U.S. Patent No. 5,915,019). Neither Petrovich nor Treyz discloses the secure memory having the claimed features. Ginter teaches a secure memory comprising an address decoder (key), means for misaligning (encrypting) the address of a memory location by a random number incorporated into the address decoder (key), and means for accessing the memory location by the address decoder using the random number when a secure address range is accessed in secure mode (col. 200-207).

Response to Arguments

43. Applicant's arguments filed February 9, 2006 have been fully considered but they are not persuasive.

44. Applicant's affidavit of February 9, 2006, with regard the definition of "secure memory" is noted. However, the affidavit does not overcome the rejection. In support of the position set

Art Unit: 3677

forth in the Office Action, that the PIN access of Petrovich constitutes secure memory, examiner refers to U.S. Patent No. 6,602,469 to Maus et al (“Maus”) as evidence. Maus discloses a secure memory that is “PIN-protected” (column 13, lines 56-59). In that Maus has a secure memory that is PIN protected, it appears that Petrovich’s memory, which is also PIN-protected, is secure.

45. With respect to applicant’s disclosure of secure memory in the specification of the instant application, it is noted that is improper to read limitations from the specification in the claims. Further, the description of secure memory in the specification is not limiting, and describes only examples of secure memory, but does not exclude password or PIN protected memory from being secure memory.

46. Applicant argues that the financial transactions of Treyz are not equivalent to those of the instant application. It is noted that applicant does point how financial transactions of the instant application are distinguished from Treyz, nor are there any limitations in the claims that would distinguish the two.

47. Applicant argues that Petrovich does not disclose multiple antennas or non-interfering and secure communication. It is noted the Petrovich explicitly provides for multiple antennas 52 and 54. It is also noted that the claim does not provide for what the communications are non-interfering with. From that, it is seen that there is at least a minimal degree of non-interference from the Petrovich’s system, in that it will not affect operation of electronic required to run the system. Additionally, there is at least a minimal level of security, in that it would take specialized to equipment to attempt to “steal” the data (i.e. it is secure against theft from individuals without equipment). It is also noted that the limitation “for a plurality of simultaneous signals” is an intended use recitation.

Art Unit: 3677

48. With respect to claim 3, applicant argues that Treyz does not download in response to a signal. Examiner notes that because there is a communication, a signal must be present.

49. With respect to claims 12 and 14, applicant argues that customer ID number is not the same as a PIN. Examiner notes that PIN stands for “personal identification number”. In that the customer ID can identify the person, examiner considers it to be a personal identification number. Additionally, for payment to be made, it appears the customers information must be transmitted.

50. With respect to claims 10 and 17, examiner maintains that because the smart card reader functions with the device, it is integrated with the device.

51. With respect to claim 19, applicant argues that the mere mention of “electronic payment” in WO ‘526 does not enable such. Examiner notes that no details of the electronic payment are claimed in claim 19, other than merely mentioning it by name. Because WO ‘526 discloses electronic payment to the extent that it is claimed, WO ‘526 meets this limitation.

52. Applicant argues that Petrovich does not disclose the claimed 2-way communication between the portable device and merchant computer. Examiner maintains this is achieved through the host computer.

Conclusion

53. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

54. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3677

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

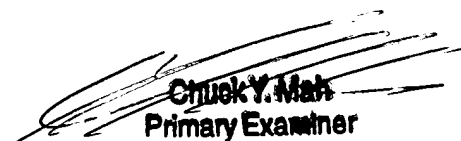
55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

56. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

57. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4

mk



Chuck Y. Mah
Primary Examiner